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Proposed Extension to Residential Curtilage

PREPARED FOR

Mr and Mrs Northcott
Paddock Cottage
Chapel Lane
Crockleford Heath
Colchester
CO7 7BJ

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PREPARED BY

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1. INTRODUCTION

This report has been prepared at the request of Mrs R Northcott of Paddock Cottage, Chapel Lane, Crockleford Heath, Colchester, CO7 7BJ to outline the facts considered relevant to the change of use of equine land to residential garden land at Lamberts, Chapel Lane, Crockleford Heath.

2. BACKGROUND

Planning permission was granted at appeal for the erection of a dwelling on Land Adjacent Lamberts, Chapel Lane, Crockleford Heath, Colchester, CO7 7BJ on 30 November 2017 (ref: APP/P1560/W/173180509).

The land the dwelling 'sits' within extends to 0.1 hectare which was purchased from Mr and Mrs C Mead to their daughter, Rose Northcott and her husband, who live in the completed property with their son.

Mrs Northcott and her husband have recently purchased a further small parcel of land to the rear of their dwelling measuring 20 metres x 16 metres which is currently paddock/utility land with a small barn.

3. PROPOSAL

The site is a small area of land sited adjacent to the rear boundary of the applicant's residential boundary and is a natural extension to the existing property. It is therefore proposed to change the use of the land to residential garden land. The existing building could be used for domestic storage, but as it is in a poor condition it is more likely that this will be demolished and removed from the site.

4. PLANNING POLICY

Planning policy is contained in the Tendring Local Plan Policy 2007 as follows:-

Policy HG16 - Garden Extensions into the Countryside

Proposals for the extension of a domestic garden into the countryside will only be permitted if:

- i. there is no material visual harm to the surrounding countryside;*

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- ii. *there would be no material loss of existing trees, shrubs or hedgerows or damage to other habitats of nature conservation value;*
- iii. *it would not result in a material loss of best and most versatile agricultural land, or otherwise seriously interfere with a neighbouring agricultural enterprise; and*
- iv. *it would have no material adverse effect on the amenities of neighbouring properties. In order to secure privacy and attain a good standard of visual amenity for the countryside, the planting and retention thereafter of native species trees and hedging will be required.*

The Council may impose conditions removing Permitted Development Rights within the new area of garden.

5. PLANNING COMMENTS

The proposed garden land adjoins the rear boundary of the existing residential curtilage of Paddock Cottage. The land is already in a brownfield use, being equine paddock land plus area for chickens/ducks and muck heap storage, therefore is considered 'previously developed' and not a greenfield site.

The garden will not encroach further into the countryside to the south or north of the site, but will be contained immediately behind the existing garden to the north.

There will be no material loss of trees, shrubs or hedgerows and being previously developed land will not damage any habitats or have a loss of best and most versatile agricultural land.

There will be no traffic implications as the proposal is for domestic garden land and facilities only.

The land has been sold to the applicant, by her parents who live in the neighbouring property, Lamberts. The site will be enclosed with native species hedging to avoid impact on the visual amenity of the countryside.

The proposal therefore meets the requirements of Policy HG16 of the Adopted Local Plan. It should be noted however that this Local Plan predates both versions of the NPPF and is considerably out of date, therefore holds limited weight.

With regards to the potential removal of permitted development rights outlined in Policy HG16, in this instance given the limited nature of the development which will be a natural extension to what is seen within the location, it is not considered that this will serve a purpose.

The applicant will be clearing the site, by removing the existing barn and enclosing with a native

species hedge. Any domestic outbuildings would have no impact on neighbouring properties.

Mrs Northcott's parents, who currently live in the listed dwelling 'Lamberts' are in poor health and the upkeep of the existing dwelling is now too much for them. Permission has been sought by Mr and Mrs Mead for the erection of a bungalow on the paddock land adjacent to Lamberts, however this has been refused at appeal, with a second application showing the proposed dwelling being moved away from the Listed Building now currently at appeal.

Should the second appeal fail then the applicant will need to create an annex in her garden so her parents to do not have to move into assisted accommodation away from her. Mr Mead, in particular is suffering from dementia and Mrs Mead is also in ill health. Regardless of the outcome of the appeal the listed dwelling needs to be sold. An annex falling within the definition of the Caravan's Act would benefit from permitted development rights. Although she could erect an annex in her current garden, permission for the limited extension to the garden would benefit all three generations should this become necessary in the future.



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